

EXHIBIT A

JUN 20 2024

Teresa Kubasiak
Branch County Clerk

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF BRANCH

DEANDRE PACE,

Plaintiff,

v.

ANDREW CLAYTON SMITH, and
S.G.T. 2000 INC d/b/a SGT TRANSPORT,

Defendants.

CASE NO. 24-06-306-NI

HON. O'Grady

LAWRENCE R. ROTHSTEIN (P19697)
MICHAEL J. ROTHSTEIN (P70240)
ROTHSTEIN LAW GROUP PLC
Attorneys for Plaintiff
19068 W. Ten Mile Road
Southfield, MI 48075
(248) 355-2048/ (248) 355-2079 fax
lrr@rothsteinlawgroup.com
mjr@rothsteinlawgroup.com

There is no other pending or resolved civil action
arising out of the same transaction or occurrence as
alleged in this Complaint.


MICHAEL J. ROTHSTEIN (P70240)

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff herein, DEANDRE PACE, by and through his attorneys,
ROTHSTEIN LAW GROUP PLC, and in support of her Complaint against Defendants,
ANDREW CLAYTON SMITH, and S.G.T. 2000 INC d/b/a SGT TRANSPORT, and shows unto
this Honorable Court as follows:

GENERAL ALLEGATIONS

1. That Plaintiff, DEANDRE PACE, is a resident of the City of Flint, County of
Genesee, State of Michigan.

2. That Defendant, ANDREW CLAYTON SMITH (hereinafter sometimes referred to as “Defendant Driver”), at all times relevant herein resided at **68 Station Road, Box 39, Hillier, Ontario, Canada, KOK2J.**

3. That Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT is a Canadian corporation whose principal agent is: **Jasiane M. Langlois, Vice President, 354 Ch Yamaska, Saint-Germain-de-Grantham, Quebec, Canada, JOC1KO.**

4. That this case involves a motor vehicle accident which occurred on or about February 11, 2023, in the Township of Coldwater, County of Branch, State of Michigan.

5. That the amount in controversy herein exceeds the sum of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, exclusive of interest, costs, and attorney fees.

COUNT I – NEGLIGENCE BY DEFENDANT/DRIVER,
ANDREW CLAYTON SMITH

6. Plaintiff herein reincorporates and realleges Paragraphs 1 through 5 of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

7. That on or about February 11, 2023, Plaintiff was a restrained driver in a motor vehicle bearing Michigan License Plate Number EDE3072 and VIN 1G1ZE5ST6GF187516 (hereinafter referred to as “Plaintiff’s vehicle”).

8. That based upon information and belief, Defendant/Driver, ANDREW CLAYTON SMITH, at all times relevant herein, was the operator of commercial vehicle bearing Ontario License Plate Number L934036 and VIN 3AKJHHDV6KSJZ1973 (sometimes herein referred to as “Defendant’s vehicle”), and was responsible for the use, operation, maintenance, and was in control of same at the time of the subject motor vehicle accident.

9. That based upon information and belief, Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, at all times relevant herein, negligently and recklessly entrusted Defendant, ANDREW CLAYTON SMITH, as its servant, employee and/or agent, to carry out the driving/delivery duties associated with the performance of his position with S.G.T. 2000 INC d/b/a SGT TRANSPORT when he failed to operate the commercial vehicle he was driving in a prudent, safe and responsible manner.

10. That on or about February 11, 2023, Defendant-Driver, ANDREW CLAYTON SMITH, was operating said vehicle while traveling southbound on I-69 at or near the intersection of State Road in the Township of Coldwater, County of Branch, State of Michigan, when he sideswiped Plaintiff's vehicle positioned on the right shoulder of the road awaiting roadside assistance, thereby causing the motor vehicle accident.

11. That at all times relevant and material hereto, it was the duty of Defendant-Driver, ANDREW CLAYTON SMITH, to operate said vehicle in a safe and reasonable manner and exercise such due care in such vehicle's operation as the rules of the common law require and in accordance with the laws of the State of Michigan and all subdivision thereof having jurisdiction.

12. That, contrary to the duties set forth above and below, Defendant-Driver, ANDREW CLAYTON SMITH was negligent, careless, reckless, and guilty of willful and wanton disregard of the lives and safety of individuals such as Plaintiff in the operation of Defendant/Driver's motor vehicle, and further breached the aforesaid duties owed to Plaintiff, both statutory and common law, by way of illustration and not limitation:

A. Failing to operate his vehicle in a reasonably careful and prudent manner, and failing to keep her vehicle under control so as to avoid a collision;

serious and disabling injuries, the nature and extent of which are not completely known at this time.

16. That as a result of the aforesaid accident, Plaintiff suffered, and will likely continue to suffer, great pain, discomfort, embarrassment, mental anguish, psychological trauma, depression, gross anxiety, and inconvenience.

17. That prior to the accident, Plaintiff herein was in reasonably good health and was able to and did participate in most of the usual activities of life, but since said accident, Plaintiff has been under medical care and in a state of continued pain, stress, and discomfort, all preventing him from engaging in many of those activities she engaged in prior to the accident.

18. That as a direct and proximate result of the subject automobile accident, Plaintiff, was made to suffer serious and disabling injuries as hereinabove described.

19. That the aforesaid injuries and damages sustained by Plaintiff constitute a serious impairment of a body function(s) and/or serious permanent disfigurement.

20. That as a direct and proximate result of the subject automobile accident, Plaintiff, has incurred excess economic damages.

21. That as a direct and proximate result of the motor vehicle accident and the injuries Plaintiff sustained therein, Plaintiff has sought and obtained continued medical treatment and attention, including, but not limited to hospital, doctor, therapist, and/or nursing services, and will likely require medical treatment in the future.

COUNT II – OWNERSHIP LIABILITY OF DEFENDANT,
S.G.T. 2000 INC d/b/a SGT TRANSPORT

22. Plaintiff herein reincorporates and realleges Paragraphs 1 through 21 of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

23. That based upon information and belief, at all times relevant herein Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT owned the vehicle that Defendant, ANDREW CLAYTON SMITH was operating at the time of the aforementioned motor vehicle accident and is liable and responsible for all damages sustained by Plaintiff proximately caused by Defendant Driver, ANDREW CLAYTON SMITH's negligence pursuant to MCL 257.401 et. seq., as amended, and other applicable statutes of the State of Michigan governing owner's liability for the negligent operation of motor vehicles and the common law of the State of Michigan.

WHEREFORE, Plaintiff herein, DEANDRE PACE prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT III – NEGLIGENT ENTRUSTMENT
AGAINST DEFENDANT, S.G.T. 2000 INC d/b/a SGT TRANSPORT

24. That Plaintiff herein reincorporates and realleges Paragraphs 1 through 23 of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

25. That on or about February 11, 2023, Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, at all times relevant herein, negligently and recklessly entrusted Defendant, ANDREW CLAYTON SMITH, as its servant, employee and/or agent, who based upon information and belief, Defendant S.G.T. 2000 INC d/b/a SGT TRANSPORT knew, or should have known, was not a reasonably prudent driver and who may endanger others with his reckless driving.

26. That Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, is responsible for any and all damages sustained by Plaintiff in this matter as heretofore and hereinafter alleged which

were caused as a result of the negligent operation of the said motor vehicle by Defendant-Driver, ANDREW CLAYTON SMITH as its employee and/or agent.

WHEREFORE, Plaintiff herein, DEANDRE PACE, prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT IV – RESPONDEAT SUPERIOR AGAINST DEFENDANT,
S.G.T. 2000 INC d/b/a SGT TRANSPORT

27. Plaintiff herein reincorporates and realleges Paragraphs 1 through 26 of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

28. That on or about February 11, 2023, at all times relevant herein, Defendant, ANDREW CLAYTON SMITH, was the servant, employee and/or agent of Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, who based upon information and belief knew, or should have known, was not a reasonably prudent driver and who may endanger others with his reckless driving.

29. That on or about February 11, 2023, and at the time of the aforesaid collision, while in the course of performing his duties with the express and/or implied consent of Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, Defendant, ANDREW CLAYTON SMITH, was operating his motor vehicle in a reckless and careless manner.

30. That on or about February 11, 2023, Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, knew or should have known that Defendant, ANDREW CLAYTON SMITH, was operating said motor vehicle.

31. That on or about February 11, 2023, and at the time of the aforesaid accident, Defendant, ANDREW CLAYTON SMITH, was operating said motor vehicle during the course


of his service and/or employment for Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, and during the course of his regular duties for said Defendant.

32. That Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT is liable for the injuries and damages sustained by Plaintiff as a result of the negligence of Defendant, ANDREW CLAYTON SMITH their servant, employee, and/or agent pursuant to the Doctrine of *Respondeat Superior*.

WHEREFORE, Plaintiff herein, prays that this Honorable Court grant judgment in favor of Plaintiff and against Defendant, S.G.T. 2000 INC d/b/a SGT TRANSPORT, in whatever amount Plaintiff is found to be entitled, together with interests, costs, and attorney fees.

Respectfully submitted,

ROTHSTEIN LAW GROUP PLC


MICHAEL J. ROTHSTEIN (P70240)
Attorney for Plaintiff
19068 W. Ten Mile Road
Southfield, MI 48075
(248) 355-2048

Dated: June 17, 2024

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mjr@rothsteinlawgroup.com

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff herein, DEANDRE PACE, by and through his attorneys, ROTHSTEIN LAW GROUP PLC, and hereby demands a trial by jury as to any and all issues so triable in the captioned matter.

Respectfully submitted,

ROTHSTEIN LAW GROUP PLC

Michael J. Rothstein (BJ)
MICHAEL J. ROTHSTEIN (P70240)
Attorney for Plaintiff
19068 W. Ten Mile Road
Southfield, MI 48075
(248) 355-2048

Dated: June 17, 2024